

**REMARKS**

Claims 1-3, 5-9, 11-16, and 18-23 are pending in the application. Claims 1-3, 5-9, 11-16, and 18-23 were rejected under 35 U.S.C. § 102(e).

**Rejection Under 35 U.S.C. § 102(e)**

Claims 1-3, 5-9, 11-16, and 18-23 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Number 6,363,065 B1 issued to Thornton et al. on March 26, 2002.

Applicants have avoided this ground of rejection for the following reasons.

Applicants' claim 1, as amended, recites,

A method for dropping packets based on a current bandwidth allocation of packetized communications traffic of a router in a network, said method comprising the steps of:

periodically querying endpoints corresponding to said router to obtain information for use in updating a connection table of said router, wherein said querying is limited to only real-time endpoint connections without querying non-real-time endpoint connections;

Thornton does not teach this limitation. Instead, Thornton discloses a border element for inter-domain communications that the Office Action asserts is equivalent to a router, i.e., FIG. 4A, elements 430 and 450. Thornton's arrangement switches real-time calls, e.g., voice calls, and non-real-time calls, e.g., analog data and facsimile between a PSTN network and a data network, as stated in column 11, lines 36-41. Thornton teaches that a border element may communicate with other H.323 elements. Also, a border element routes information that involves any endpoint in that domain. (See column 17, line 11-22.) By contrast, the queries made by the router in applicants' claim 1 are limited to only real-time endpoint connections without querying non-real-time endpoint connections, as recited in applicants' claim 1.

Thus, the clear teaching of Thornton is that a router does not make queries limited to only real-time endpoint connections without querying non-real-time endpoint connections.

In view of the foregoing, applicants submit that Thornton does not describe each and every element of claim 1, and therefore claim 1 is not anticipated by Thornton. Since claims 2-3 and 5-8 depend from allowable claim 1, these claims are also allowable over Thornton.

Independent claims 9 and 16 each have a limitation similar to that of independent claim 1, which was shown is not taught by Thornton. For example, claims 9 and 16 recite, "wherein said querying is limited to only real-time endpoint connections without querying non-real-time endpoint connections". Thornton does not teach this limitation for the above-mentioned reasons. Therefore, claims 9 and 16 are likewise allowable over Thornton. Since claims 11-15 depend from claim 9, and claims 18-23 depend from claim 16, these dependent claims are also allowable over Thornton.

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Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, he is invited to call applicants' attorney so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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